

126



B. 13.8.84
1984

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, शुक्रवार, फरवरी 24, 1984/फाल्गुन 5, 1905
No. 1] NEW DELHI, FRIDAY, FEBRUARY 24, 1984/PHALGUNA 5, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 24th February, 1984:—

BILL No. 5 OF 1984

A Bill to provide for the abolition of the Legislative Council of the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Legislative Council (Abolition) Act, 1984.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) "article" means an article of the Constitution;

(c) "council" means the Legislative Council of the State of Andhra Pradesh;

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Andhra Pradesh;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Andhra Pradesh.

**Abolition
of the
Council.**

3. (1) The Legislative Council of the State of Andhra Pradesh is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

**Amendment
of article
168.**

4. In sub-clause (a) of clause (1) of article 168, for the words "in the States of Andhra Pradesh, Bihar", the words "in the State of Bihar", shall be substituted.

**Amend-
ment of
Act 43 of
1950.**

5. In the Representation of the People Act, 1950—

(a) in the Third Schedule, entry No. 1 relating to Andhra Pradesh shall be omitted;

(b) in the Fourth Schedule, the heading "Andhra Pradesh" and the entries thereunder shall be omitted.

**Omission
of section
3 of the
Legisla-
tive
Coun-
cils Act,
1957.**

6. Section 3 of the Legislative Councils Act, 1957, shall be omitted.

37 of 1957.

**Provision
as to
pending
Bills.**

7. (1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Andhra Pradesh in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

**Power
to adopt
laws.**

8. The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptations and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

Power to
construe
laws.

STATEMENT OF OBJECTS AND REASONS

The Andhra Pradesh Legislative Assembly has passed a Resolution on the 24th March, 1983 by a majority of the total membership of the Assembly and a majority of not less than two-thirds of the members of the Assembly present and voting, for the abolition of the Legislative Council in the State of Andhra Pradesh. In view of this Resolution, it is necessary to enact a law to give effect to the clearly expressed verdict of the people of Andhra Pradesh in January, 1983 elections and the subsequent resolution of the Assembly. The Bill seeks to give effect to this object and also provide for matters supplemental, incidental and consequential to such abolition.

NEW DELHI;
December 1, 1983.

G. BHOOPATHY.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make such adaptations and modifications of any law made before the commencement of the Act as may be necessary or expedient in consequence of the abolition of the Legislative Council of the State of Andhra Pradesh under clause 3. This power will be available only for a period of one year from the commencement of the Act. The adaptations and modifications cannot affect the substance of the laws adapted.

The delegation of legislative power is of a normal character.

SUBHASH C. KASHYAP,
Secretary-General,

